

NOTICE OF FORCIBLE DETAINER
AND
CLAIM FOR TREBLE DAMAGES

TO: TREVOR K. LEACH, and
ROBERT C. LEACH
171 SOUTH 400 EAST
KANAB, UTAH

YOU AND EACH OF YOU ARE HEREBY GIVEN NOTICE THAT YOU HAVE FORCIBLY BLOCKED THE LEGAL RIGHT OF THE STATE OF UTAH'S LESSEE, ANDREW D. EDWARDS AND HIS EMPLOYEES AND AGENTS, TO ACCESS AND OCCUPY THE PREMISES DESCRIBED AS FOLLOWS:

NW1/4 OF SECTION 16, T 40S AND R 5W SLB&M; and
NW1/4, SW1/4 OF SECTION 16, T 40S R5W SLB&M.

ACCESS TO THE MINERAL ESTATE ON THE ABOVE PREMISE ACROSS THE SURFACE ESTATE OF SECTION 16, AND ACROSS SECTION 21, 28 AND 33 IS ALONG THE ROAD HISTORICALLY KNOWN AS THE "ROAD TO JOHNSONVILLE" WHICH ROAD EXISTED ACCORDING TO THE APRIL 3, 1877 SURVEY (ATTACHED AS EXHIBIT A) AND IS PART OF THE RIGHTS APPURTENANT TO THE STATE SCHOOL TRUST LAND MINERALS IN SECTION 16 GRANTED TO THE STATE AT STATEHOOD. THIS RIGHT OF ACCESS IS A PRIOR AND SUPERIOR RIGHT TO THE CLAIMS OF YOU OR EACH OF YOU TO THE ADJOINING LAND. THE STATE HAS RIGHT ACROSS YOUR LANDS ALONG THIS PRIOR EXISTING ROAD AND ITS LESSEE'S ARE ENTITLED TO TRAVEL ALONG THIS ROAD TO ACCESS SAID SECTION.

ACCESS TO THIS LAND ALONG THIS ROAD IS ALSO PROVIDED PURSUANT TO THE PROVISIONS OF SECTION 27-12-40 UTAH CODE ANNOTATED BASED ON THE PRIOR USE OF THIS ROAD AND ITS PRIOR DESIGNATION BY THE COUNTY AS A PUBLIC ROAD. VACATING THIS ROAD IS NOT PERMISSIBLE AGAINST THE STATE AND IS SUBJECT TO PROPER NOTICE AND HEARING.

ACCESS TO THE STATE LAND ALONG THIS ROAD IS ALSO SUBJECT TO THE PRIOR WRITTEN AGREEMENT BY THE COUNTY TO PERMIT THE STATE'S LESSEE TO USE THIS ROAD PURSUANT TO THE "ROAD IMPROVEMENT AND MAINTENANCE AGREEMENT" (ATTACHED AS EXHIBIT B).

THE STATE AND ITS LESSEE ARE AND HAVE AT ALL TIME PRIOR TO YOUR ACTIONS BEEN IN PEACEFUL USE OF THIS ACCESS TO THE LANDS. YOUR ACTIONS IN PLACING A LOCKED GATE ACROSS THIS ROUTE OF ACCESS IS A FORCIBLE AND UNLAWFUL DETENTION OF THE RIGHTS OF THE STATE OF UTAH AND ITS LESSEE AS SET FORTH IN SECTION 78-36-2 AND FAILURE TO REMOVE THE LOCKED GATE AND TO OTHERWISE REFRAIN FROM INTERFERING WITH THE RIGHTS OF THE STATE TO USE THIS ROAD FROM AND AFTER THREE DAYS FROM THE DATE OF SERVICE OF THIS NOTICE UPON YOU SHALL SUBJECT YOU TO TREBLE DAMAGES FOR ALL LOSS OCCURRING AS A RESULT OF SUCH UNLAWFUL AND FORCIBLE DETENTION OF THE RIGHTS OF ACCESS TO THE STATE'S LANDS.

THIS IS A LEGAL NOTICE. GOVERN YOURSELVES ACCORDINGLY. YOU ARE ADVISED TO SEEK COUNSEL.



STEVEN F. ALDER
Assistant Attorney General

Paquith and Karab Guide Meridian



T405 R5W S16
Apr. 3, 1877 survey

T4 R5W 516 '66 Topo

